

REMARKS

The Office Action mailed on April 1, 2009, has been received and its contents carefully considered.

Claim 1 is pending in this application. By this Amendment, claim 1 is amended. Reconsideration of this application in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claim 1 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0035444 to Alis (hereinafter "Alis"), in view of U.S. Patent Application Publication No. 2004/0209657 to Ghassabian (hereinafter "Ghassabian"), U.S. Patent Application Publication No. 2002/0193151 to Edreich (hereinafter "Edreich"), and U.S. Patent Application Publication No. 2003/0003969 to Tong et al. (hereinafter "Tong"). However, no permissible combination of the applied references can reasonably be considered to teach, or to have suggested, the combination of all of the features recited in amended claim 1.

Claim 1 recites, among other features, a mobile phone bent in a length direction of a belt to correspond to a curvature of a user's waist, a mobile phone support disposed on the belt and bent to correspond to the curvature of the mobile phone and the user's waist, and an earphone assembly fixedly mounted to the mobile phone support adjacent to the mobile phone accommodating section.

Such features are shown, by way of example, in Figs. 1 and 2 of the disclosure of this application.

The Office Action concedes that Alis fails to teach a mobile phone bent in a length direction of a belt to correspond to a user's waist size, and asserts that Ghassabian teaches this feature. However, Ghassabian fails to teach, or to have suggested, a mobile phone bent in a length direction of a belt to correspond to a curvature of a user's waist, a mobile phone support fixedly mounted to the belt and bent to correspond to the curvature of the mobile phone and the user's waist, as recited in amended claim 1.

Ghassabian teaches a telephone device configured to be curved such that it may be placed around a wrist when not in use, and may be quickly accessed when answering a telephone or using other functions, as discussed in paragraphs [0009]-[0012]. Such a device, according to Ghassabian, surrounds a wrist when not in use, and may also include wristwatch-type features, such as a watch, as discussed in paragraph [0012] and shown in Fig. 1B. Thus, Ghassabian teaches a device designed to be secured around a user's wrist, and cannot reasonably be considered to teach, or to have suggested, a mobile phone bent in a length direction of a belt to correspond to a curvature of a user's waist, a mobile phone support fixedly mounted to the belt and bent to correspond to the curvature of the mobile phone and the user's waist, as recited in claim 1. Edreich and Tong fail to overcome this deficiency of Ghassabian as discussed above.

Further, it would not have been obvious to one of ordinary skill in the art at the time of the invention to have modified the cell phone holder of Alis with the wrist-mounted telephone device of Ghassabian, because the former is directed to holding a phone at the waist, and the latter is directed to a phone which surrounds the wrist. Should the wrist-based telephone of Ghassabian be adapted to a waist-based telephone, one of ordinary skill would arrive at a telephone which extends completely around the waist of a user. Therefore, one of ordinary skill in the art would not combine Alis with Ghassabian to arrive at the subject matter of the pending claims, and such a combination is improper. In this case, the combination of the above references is improper because there is a lack of suggestion to combine the references, either in the references themselves, or as would be known to one of ordinary skill in the art. See MPEP §2145(X)(C).

The Office Action concedes that Alis and Ghassabian fail to teach or to have suggested, either alone or in combination, an earphone assembly electrically connected to the mobile phone installed in the mobile phone support, and asserts that Edreich teaches this feature. However, Edreich fails to teach, or to have suggested, an earphone assembly fixedly mounted to the mobile phone support adjacent to the mobile phone accommodating section, as recited in amended claim 1.

Edreich teaches, as discussed in paragraph [0023] and illustrated in Figs. 1 and 2, that a phone-wire reel 1 is wind-tensioned in a reel pocket 2 on a cell phone 3. Here, the reel pocket 2 is fixedly attached to the cell phone 3, and not to

a mobile phone support. Edreich fails to teach, or to have suggested, a mobile phone support as recited in claim 1. Therefore, Edreich cannot reasonably be considered to teach, or to have suggested, an earphone assembly fixedly mounted to the mobile phone support adjacent to the mobile phone accommodating section, as recited in claim 1. Tong fails to overcome the deficiency of Edreich as discussed above.

Further, it would not have been obvious to one of ordinary skill in the art to have combined the Alis and Ghassabian references with the Edreich reference to arrive at the subject matter of the pending claims. By fixedly mounting the reel pocket 2 of Edreich to the cell phone holder 10 of Alis, the cell phone of Alis would be fixedly mounted to the holder via the reel pocket 2. Therefore, the resulting combination would be rendered unsatisfactory for its intended use. See MPEP §2143.01(V). Therefore, one of ordinary skill in the art would not combine Alis and Ghassabian with Edreich to arrive at the subject matter of the pending claims, and such a combination is improper.

In view of the above no permissible combination of the applied references can reasonably be considered to teach, or to have suggested, the combination of all of the features recited in claim 1. Accordingly, reconsideration and withdrawal of the pending rejection of the Office Action under §103 are respectfully requested.

It is submitted that this application is in condition for allowance. Such action and the passing of this case to issue are requested.

AMENDMENT

10/579,827

Should the Examiner feel that a conference would help to expedite the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Should any fee be required, however, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and advise us accordingly.

Respectfully submitted,

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Date



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